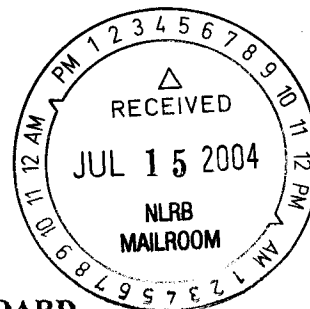


LEVI STRAUSS & CO.
LEVI'S® DOCKERS®



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DANA CORPORATION
Employer

and

Case 8-RD-1976

CLARICE K. ATHERHOLT
Petitioner

and

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICAN, AFL-CIO
Union

METALDYNE CORPORATION (METALDYNE
SINTERED PRODUCTS)
Employer

and

Cases 6-RD-1518
6-RD-1519

ALAN P. KRUG AND JEFFREY A. SAMPLE
Petitioners

and

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICAN, AFL-CIO
Union

AMICUS BRIEF

Amicus Levi Strauss & Company (LS&CO.) urges the Board to hold that the Employers' voluntary recognition of the Union bars a decertification petition for a reasonable time under the

circumstances of these cases. Specifically, LS&CO. asks the Board to hold that the voluntary-recognition bar rule it adopted four decades ago in *Keller Plastics Eastern, Inc.*, 157 NLRB 483 (1966) applies in situations, such as these, where the Employers and the Union entered into card-check agreements before the Union obtained signed authorization cards from a majority of the unit employees.

LS&CO. has had a lasting, good relationship with UNITE HERE and its predecessors. Maintaining that relationship has been a good business decision for LS&CO., and has benefited its employees. LS&CO. values stable and harmonious industrial relations.

In its current national collective-bargaining contract with UNITE HERE, LS&CO. has agreed to recognize that labor organization "as the exclusive collective bargaining representative for the employees in an appropriate bargaining unit if the Union obtains authorization cards signed by a majority of the employees in the bargaining unit" at any new facilities LS&CO. opens. Pursuant to that provision, LS&CO. has extended voluntary recognition to UNITE HERE at several locations. This process has worked well. The parties have avoided antagonistic, disruptive recognition disputes.

LS&CO. values the voluntary-recognition bar rule's influence in this process. It has promoted stability in the bargaining relationship for nascent units. It has enabled the parties to focus upon their common interests. Ultimately, it has facilitated mature, responsible collective bargaining.

LS&CO. prefers quick, definitive resolutions of recognition issues so that collective bargaining will be successful when the majority of employees in a unit have expressed their desire for union representation. It believes card-checks provide a satisfactory method for testing

whether the requisite majority support exists and for establishing a bargaining relationship. Allowing decertification petitions early in these relationships risks disrupting initial contract negotiations and distracting the parties from finding common ground.

In LS&CO.'s experience, the voluntary-recognition bar rule has worked well. It has ensured that employees' desire for unionization and collective bargaining has been realized expeditiously and without industrial disruption.

Dated: July 15, 2004

Respectfully submitted,



JEFF FRIANT
VICE PRESIDENT HUMAN RESOURCES
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